REMARKS

The Office examined claims 1-16, rejected claims 1-4, 6-9 and 12-15, and objected to the other claims. With this paper, no claims are changed, and so claims 1-16 remain in the application.

Rejections under 35 USC §102

At section 1 of the Office action, claims 12-15 are rejected under 35 USC §102 as being anticipated by U.S. Pat. App. Pub. 2003/0007078 to Feldis, III (hereinafter Feldis). The Office action cites paragraphs 32-39.

Claim 12 recites "an examination step …, responsive to a picture …, for examining the picture … to determine whether the picture … includes a predetermined tag …; and … a mode guard step …, for enabling editing of the picture … depending on … whether or not the picture … includes the predetermined tag … ." Thus, the invention as in claim 12 includes as a limitation using a tag to indicate whether a picture is editable or not editable (and enabling or preventing the editing accordingly).

Regarding claim 12 (from which claims 14-15 depend), as noted in the response to the previous Office action, Feldis discloses various tags none of which correspond to a tag that enables or disables a user from editing a picture. The tags disclosed by Feldis are instructions for post-processing of an image. As explained in Feldis e.g. in the Abstract:

> A first tag to the first image data is attached for post processing in the host device. The first tag instructs the host device to convert the first image data from the first resolution size to a second resolution size. The apparatus is programmed to automatically attach the first tag to the first image data once the first image data is generated.

These tags are in no way comparable to the tags of the present invention, which signal to the equipment hosting a picture whether or not to allow editing of the picture. The tags disclosed by Feldis

indicate merely that one or another post-processing step is to be performed (automatically) by equipment hosting a picture. The Feldis tags do not provide a way to protect a picture held in memory (hosted) by e.g. a mobile phone from editing by a user, as does the invention. There is no tag disclosed by Feldis that signals to the host equipment (e.g. a mobile phone) that a picture is to be *editable* or not *editable* by a user, only that certain post-processing steps (including some editing steps) are to be performed, as indicated by tags inserted by a user. In other words, the Feldis tags are used by a user to indicate editing (or other post-processing) to be performed, whereas the tag of claim 12 is inserted in a picture ultimately based on the decision of the creator of the picture, and either allows or prevents a user from performing editing operations on the picture.

More specifically, Feldis discloses a resolution tag, a cropping tag, a red-eye removal tag, and a quick-send tag. None indicate that a picture is to be *editable or not editable* by a user, but only that one or another post-processing operation is to be performed. The quick-send tag of Feldis has to do only with whom a picture is to be sent to. The resolution tag has only to do with the resolution to be used in displaying a picture. The red-eye tag (inserted by the user) instructs that the effects of red-eye are to be automatically removed (by the processing equipment), as explained at par. [0035]. And the cropping tag is used by the user to indicate that the picture is to be cropped (automatically, by the processing equipment, as somehow indicated by the user, in a way not disclosed), as explained at par. [0034]. Thus, none of the Feldis tags are used to indicate that a picture is to be editable, but instead indicate one or another automatic editing operation to be performed by the processing equipment.

Applicant respectfully points out that not only do the Feldis tags not correspond to the tag recited in claim 12, but the Feldis

tags could in fact be used in combination with a tag according to the invention in claim 12. If a tag according to the invention (as in claim 12) is used to indicate that a picture is editable, then a user could also use the Feldis tags indicating some (few) automatic editing and could also use other similar tags (similar in that they also indicate automatic editing operations) to command at least some further editing operations. For example, the creator of a picture could have intended to include in it a "red-eye" effect, or might object to removing (by cropping or otherwise) any portion of the content of the picture, in which case the creator could use a tag according to claim 12 to prevent such editing.

The Office action cites *In re Van Geuns*, 26 USPQ2d 1057 (Fed. Cir. 1993) in asserting that, "Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims." Applicant respectfully submits that a fair reading of claim 12 is that it requires as a limitation a tag indicating whether a picture is *editable* (*or not editable*), whereas Feldis teaches only tags that indicate *editing* a picture (via one or another *editing* operation to be performed by the host equipment), and so the invention is distinguished from Feldis without reading into the claims limitations from the specification.

Accordingly, and since claims 13-15 depend from claim 12, applicant respectfully requests that the rejections under 35 USC §102 of claims 12-15 be reconsidered and withdrawn.

Rejections under 35 USC §103

At section 2 of the Office action, claims 1-4 are rejected under 35 USC §103 as being unpatentable over U.S. Pat. No. 6,320,595 to Simmons *et al.* (hereinafter Simmons) in view of Feldis.

Regarding claim 1, the Office action relies on Feldis as in rejecting claim 12. Now claim 1 recites "a picture manager, … for

displaying … pictures each of which are either *editable or non-editable* as indicated by a predetermined tag … embedded in the picture … ." Thus, claim 1 includes the same tag limitation as claim 12--i.e. a tag indicating a picture is *editable or not editable*--and so the assertions made in rejecting claim 1 based on Feldis cannot stand for the same reasons as given for claim 12.

Accordingly, and since claims 2-4 depend from claim 1, applicant respectfully requests that the rejections under 35 USC §103 of claims 1-4 be reconsidered and withdrawn.

At section 3 of the Office action, claims 6-9 are rejected under 35 USC §103 as being unpatentable over Simmons in view of Feldis and further in view of Song (U.S. Pat. App. Pub. 2002/0090068).

Claims 6-9 depend from claim 1. The rejections of claims 6-9 rely on the application of Feldis as in rejecting claim 1. For the same reasons as give in respect to claim 1, applicant respectfully submits that claims 6-9 are distinguished from the combination of Simmons, Feldis, and Song, and so requests that the rejections under 35 USC §103 of claims 6-9 be reconsidered and withdrawn.

Conclusion

For all of the foregoing reasons it is believed that all of the claims of the application are in condition for allowance and their passage to issue is earnestly solicited. Applicant's attorney urges the Examiner to call to discuss the present response if anything in the present response is unclear or unpersuasive.

Respectfully submitted,

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